

1531–1538), which the President signed into law on March 22, 1995, the Department has assessed the effects of this rule on State, local, and Tribal governments and the private sector. This rule will not compel the expenditure of \$100 million or more by any State, local, or Tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

#### *Federalism*

The Department has considered this rule under the requirements of Executive Order 13132, Federalism. The Department has determined that the rule conforms with the federalism principles set out in this Executive order; will not impose any significant compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### *Consultation and Coordination With Indian Tribal Governments*

This rule does not have tribal implications as defined by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Therefore, advance consultation with Tribes is not required.

#### *Controlling Paperwork Burdens on the Public*

This rule does not contain any recordkeeping or reporting requirements or other information collection requirement as defined in 5 CFR part 1320. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and implementing regulations at 5 CFR part 1320, Controlling Paperwork Burden on the Public, do not apply.

#### *Government Paperwork Elimination Act Compliance*

The Department is committed to compliance with the Government Paperwork Elimination Act (44 U.S.C. 3504), which requires Government agencies to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

#### **List of Subjects in 36 CFR Part 219**

Administrative practice and procedure, Environmental impact statements, Forest and forest products, Indians, Intergovernmental relations, National Forests, Natural resources, Reporting and recordkeeping requirements, Science and technology.

Therefore, for the reasons set forth in the preamble, part 219 of title 36 of the Code of Federal Regulations is amended as follows:

#### **PART 219—PLANNING**

##### **Subpart A—National Forest System Land and Resource Management Planning**

■ 1. The authority citation for subpart A continues to read as follows:

**Authority:** 5 U.S.C. 301; and Secs. 6 and 15, 90 Stat. 2949, 2952, 2958 (16 U.S.C. 1604, 1613).

■ 2. Add an appendix at the end of § 219.35 to read as follows:

\* \* \* \* \*

#### **Appendix B to § 219.35**

##### **Interpretative Rule Related to Paragraphs 219.35(a) and (b)**

The Department is clarifying the intent of the transition provisions of paragraphs (a) and (b) of this section with regard to the consideration and use of the best available science to inform project decisionmaking that implements a land management plan as follows:

1. Under the transition provisions of paragraph (a), the responsible official must consider the best available science in implementing and, if appropriate, in amending existing plans. Paragraph (b) allows the responsible official to elect to prepare plan amendments and revisions using the provisions of the 1982 planning regulation until a new final planning rule is adopted. A proposed rule to revise the November 9, 2000, planning regulations was published in the **Federal Register** on December 6, 2002 (67 FR 72770). A new final rule has not been promulgated.

2. Until a new final rule is promulgated, the transition provisions of § 219.35 remain in effect. The 1982 rule is not in effect. During the transition period, responsible officials may use the provisions of the 1982 rule to prepare plan amendments and revisions. Projects implementing land management plans must comply with the transition provisions of § 219.35, but not any other provisions of the 2000 planning rule. Projects implementing land management plans and plan amendments, as appropriate, must be developed considering the best available science in accordance with § 219.35(a). Projects implementing land management plans must be consistent with the provisions of the governing plan.

Dated: September 24, 2004.

**David P. Tenny,**

*Deputy Under Secretary, Natural Resources and Environment.*

[FR Doc. 04–21844 Filed 9–28–04; 8:45 am]

**BILLING CODE 3410–11–P**

#### **POSTAL SERVICE**

##### **39 CFR Parts 3, 4, and 6**

##### **Bylaws of the Board of Governors**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** On September 14, 2004, the Board of Governors of the United States Postal Service adopted a number of amendments to its Bylaws. These amendments changed the quorum of Governors required to vote on a recommended decision of the Postal Rate Commission, reserved the election of the Board's Vice Chairman to the Governors, and altered the rules for scheduling meetings. Consequently, the Postal Service hereby publishes this final rule.

**EFFECTIVE DATE:** September 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** William T. Johnstone, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000; (202) 268–4800.

**SUPPLEMENTARY INFORMATION:** This document publishes amendments to parts 3, 4, and 6 of 39 CFR, amending the Bylaws of the Board of Governors of the United States Postal Service. The Board amended parts 3 and 4 to reserve the election of the Board's Vice Chairman to a vote of the Governors, rather than a vote of the entire Board. In part 6, the Board changed the procedure for establishing an annual schedule of meetings to conform to current practice. The Board also amended part 6 to change from 5 to 4 the number of Governors required for a quorum to vote on a recommended decision of the Postal Rate Commission.

##### **List of Subjects in 39 CFR Parts 3, 4, 6**

Administrative practice and procedure, Organization and functions (Government agencies), Postal Service.

■ Accordingly, parts 3, 4, and 6 of 39 CFR are amended as follows:

##### **PART 3—[AMENDED]**

■ 1. The authority citation for part 3 continues to read as follows:

**Authority:** 39 U.S.C. 202, 203, 205, 401(2), (10), 402, 414, 416, 1003, 2802–2804, 3013; 5 U.S.C. 552b(g), (j); Inspector General Act, 5 U.S.C. app.; Pub. L. 107–67, 115 Stat. 514 (2001).

##### **§ 3.3 [Amended]**

■ 2. Amend § 3.3 by removing and reserving paragraph (a).

■ 2.a. Amend § 3.4 by revising paragraph (c) to read as follows:

**§ 3.4 Matters reserved for decision by the Governors.**

\* \* \* \* \*

(c) Election of the Chairman and Vice Chairman of the Board of Governors, 39 U.S.C. 202(a).

\* \* \* \* \*

**PART 4—[AMENDED]**

■ 3. The authority citation for part 4 continues to read as follows:

**Authority:** 39 U.S.C. 202–205, 401(2), (10), 402, 1003, 3013.

**§ 4.2 [Amended]**

■ 4. Amend § 4.2 by removing the words “The Vice Chairman is elected by the Board” and adding the words “The Vice Chairman is elected by the Governors” in their place.

**PART 6—[AMENDED]**

■ 5. The authority citation for part 6 continues to read as follows:

**Authority:** 39 U.S.C. 202, 205, 401(2), (10), 1003, 3013; 5 U.S.C. 552b(e), (g).

**§ 6.1 [Amended]**

■ 6 Amend § 6.1 by revising the first sentence to read as follows:

**§ 6.1 Regular meetings, annual meeting.**

The Board shall meet regularly on a schedule established annually by the Board. \* \* \*

**§ 6.6 [Amended]**

■ 7. Amend § 6.6(f) by removing the numeral “5” and adding the numeral “4” in its place.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 04–21557 Filed 9–28–04; 8:45 am]

BILLING CODE 7710–12–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP–2004–0255; FRL–7681–3]

**Fenamidone; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of fenamidone (4H-imidazol-4-one, 3,5-dihydro-5-methyl-2-(methylthio)-5-phenyl-3-(phenylamino), (S)-) in or on garlic, bulb; garlic, great headed; grape (imported); leek; onion, dry bulb; onion, green; onion, welsh; shallot, bulb;

shallot, fresh leaves; tomato; tomato, paste; tomato, puree; vegetable, cucurbit, group 09; vegetable, tuberous and corm, subgroup 01C and establishes tolerances for combined residues of fenamidone (4H-imidazol-4-one, 3,5-dihydro-5-methyl-2-(methylthio)-5-phenyl-3-(phenylamino), (S)-) and its metabolite RPA 717879 (2,4-imidazolidinedione, 5-methyl-5-phenyl) in or on fat (beef, goat, and sheep); meat (beef, goat, and sheep); meat byproducts (beef, goat, and sheep); milk; wheat, grain; wheat forage; wheat, hay; and wheat, straw. Wheat tolerances are being established for inadvertent residues in/on a rotated crop. Bayer CropScience requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

**DATES:** This regulation is effective September 29, 2004. Objections and requests for hearings must be received on or before November 29, 2004.

**ADDRESSES:** To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. EPA has established a docket for this action under Docket identification (ID) number OPP–2004–0255. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

**FOR FURTHER INFORMATION CONTACT:** Dennis McNeilly, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001; telephone number: (703) 305–6742; e-mail address: [mcneilly.dennis@epa.gov](mailto:mcneilly.dennis@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information****A. Does this Action Apply to Me?**

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

**B. How Can I Access Electronic Copies of this Document and Other Related Information?**

In addition to using EDOCKET (<http://www.epa.gov/edocket/>), you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available on E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm/>.

**II. Background and Statutory Findings**

In the **Federal Register** of January 28, 2004 (69 FR 4138–4143) (FRL–7337–3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1F6300) by Bayer CropScience, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. This amended the petition previously